

AMENDED IN ASSEMBLY JUNE 11, 2007

AMENDED IN SENATE MARCH 12, 2007

SENATE BILL

No. 158

Introduced by Senator Florez

January 30, 2007

An act to amend Section 2890.2 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 158, as amended, Florez. Telecommunications: mobile telephony services: handsets.

Under existing law, the Federal Communications Commission licenses and partially regulates providers of commercial mobile radio service, including providers of cellular radiotelephone service (cellular), broadband Personal Communications Services (PCS), and digital Specialized Mobile Radio (SMR) services (collectively, mobile telephony service providers). Under existing law, no state or local government may regulate the entry of, or the rates charged by, any commercial mobile radio service, but a state or local government is generally not prohibited from regulating the other terms and conditions of commercial mobile radio service. Existing law requires a provider of mobile telephony services to provide subscribers with a means by which a subscriber can obtain reasonably current and available information on the subscriber's calling plan or plans and service usage.

This bill would require that a provider of mobile telephony services, upon request, remove or deactivate any device in a handset that prevents the subscriber from using that handset to activate service with a different mobile telephony services provider, upon the customer completing the term of a service contract or, *if the handset is purchased separate and*

apart from a service contract, upon completing the purchase of the handset.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2890.2 of the Public Utilities Code is
2 amended to read:

3 2890.2. (a) A provider of mobile telephony services, as defined
4 in Section 224.4, shall provide subscribers with a means by which
5 a subscriber can obtain reasonably current and available
6 information, as determined by the provider, on the subscriber's
7 calling plan or plans and service usage, including roaming usage
8 and charges.

9 (b) On or before January 1, 2007, a provider of mobile telephony
10 services shall provide subscribers with a means by which a
11 subscriber can obtain reasonably current and available information,
12 as determined by the provider, on the subscriber's text messaging
13 and Internet usage and charges.

14 (c) Each provider of mobile telephony services shall inform
15 subscribers at the time service is established of the availability of
16 the information described in subdivisions (a) and (b) and how it
17 may be obtained.

18 (d) A provider of mobile telephony services shall, upon request,
19 remove or deactivate any device in a handset that prevents the
20 subscriber from using that handset to activate service with a
21 different mobile telephony services provider, upon the customer
22 completing the term of a service contract or ~~completing~~, *if the*
23 *handset is purchased separate and apart from a service contract,*
24 *upon completing the purchase of the handset.*